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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) 2:17-CR-114-APG-(CWH)
9 Plaintiff,)
10 v.) Preliminary Order of Forfeiture
11 DAVID ALAN COHEN,)
12 Defendant.)

13 This Court finds that defendant David Alan Cohen was found guilty of Counts One
14 and Two of a Two-Count Superseding Criminal Indictment charging him in Count One
15 with Possession of Child Pornography in violation of Title 18, United States Code, Section
16 2252A(a)(5) and in Count Two with Receipt or Distribution of Child Pornography in
17 violation of Title 18, United States Code, Section 2252A(a)(2). Superseding Criminal
18 Indictment, ECF No. 228; Jury Verdict, ECF No. 335; Minutes of Jury Trial, ECF No. ____.

19 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States
20 of America has shown the requisite nexus between property set forth in the Bill of
21 Particulars and the Forfeiture Allegation of the Superseding Criminal Indictment and the
22 offenses to which defendant David Alan Cohen was found guilty. Superseding Criminal
23 Indictment, ECF No. 228; Bill of Particulars, ECF No. 295; Jury Verdict, ECF No. 335;
24 Minutes of Jury Trial, ECF No. ____.

25 The following property is (1) any visual depiction described in Title 18, United States
26 Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter
27 which contains any such visual depiction, which was produced, transported, mailed,
28 shipped or received in violation of Title 18, United States Code, Section 2252A(a)(2) and

1 2252A(a)(5) an (2) any property, real or personal, used or intended to be used to commit or
2 to promote the commission of Title 18, United States Code, Section 2252A(a)(2) and
3 2252A(a)(5) or any property traceable to such property, and is subject to forfeiture pursuant
4 to Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3):

5 a) Hewlett-Packard desktop computer, Model No. a4327c, Serial No.
6 3CR0020J9V including its drive;

7 b) Samsung Galaxy S III, Model No. SCH-1535, IMEI No. 990003347870301,
8 SIM Card No. 8914800000585617765; and

9 c) Seven unmarked CDs and DVDs currently identified as LVMPD's Event No.
10 160809—1804, Package No. 2, Item No. 2, Marked Nos. 1-7

11 (all of which constitutes property).

12 This Court finds that the United States of America may amend this order at any time
13 to add subsequently located property or substitute property to the forfeiture order pursuant
14 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

15 This Court finds the United States of America is now entitled to, and should, reduce
16 the aforementioned property to the possession of the United States of America.

17 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
18 DECREED that the United States of America should seize the aforementioned property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
20 rights, ownership rights, and all rights, titles, and interests of David Alan Cohen in the
21 aforementioned property are forfeited and are vested in the United States of America and
22 shall be safely held by the United States of America until further order of the Court.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
24 of America shall publish for at least thirty (30) consecutive days on the official internet
25 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
26 describe the forfeited property, state the time under the applicable statute when a petition
27 contesting the forfeiture must be filed, and state the name and contact information for the

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1 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
2 and Title 21, United States Code, Section 853(n)(2).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
4 or entity who claims an interest in the aforementioned property must file a petition for a
5 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
6 petition shall be signed by the petitioner under penalty of perjury pursuant to Title 21,
7 United States Code, Section 853(n)(3) and Title 28, United States Code, Section 1746, and
8 shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited
9 property and any additional facts supporting the petitioner's petition and the relief sought.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
11 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
12 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
13 not sent, no later than sixty (60) days after the first day of the publication on the official
14 internet government forfeiture site, www.forfeiture.gov.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
16 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
17 Attorney's Office at the following address at the time of filing:

18 Daniel D. Hollingsworth
19 Assistant United States Attorney
20 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
22 described herein need not be published in the event a Declaration of Forfeiture is issued by
23 the appropriate agency following publication of notice of seizure and intent to
24 administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 Dated: November 30, 2018.

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UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
November 29, 2018:

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Paralegal